

22045

## UTILITY PATENT APPLICATION TRANSMITTAL

Address to: Mail Stop PATENT APPLICATION Commissioner for Patents U.S. Patent & Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	Attorney Docket No.	KOA 0241 PUS (R 1405)
	Inventor(s) or Appln. Identifier	Tobias Gerlach

1. This application entitled Method for Determining the Rotational Position of the Drive Shaft of a Commutated DC Motor is:
- a.        A new application under 37 C.F.R. § 1.53(b).
- b.   x   A   x   continuation        divisional or        continuation-in-part application under 37 C.F.R. § 1.53(b) of prior application Serial No. PCT/EP02/05876 filed on May 29, 2002, entitled Method for Determining the Rotational Position of the Drive Shaft of a Commutated DC Motor.
- c.        A new utility application which claims the benefit of provisional application Serial No.       , filed on       .

Application elements and other attached papers:

2.   x   Specification (including Claims and Abstract) [Total Pages 15]
3.   x   Drawings (   informal /   x   formal) [Total Sheets 3]
4.   x   Oath or Declaration
- a.   x   Un-executed
- b.        Copy from a prior application (37 C.F.R. § 1.63(d))
5.        Incorporation By Reference: The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Item 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
6.        This application is filed by fewer than all the inventors named in the prior application, 37 C.F.R. § 1.53(d)(4).
- a.        **DELETE** the following inventor(s) named in the prior nonprovisional application:
- \_\_\_\_\_
- \_\_\_\_\_

## CERTIFICATION UNDER 37 C.F.R. § 1.10

I hereby certify that this UTILITY PATENT APPLICATION TRANSMITTAL and the documents referred to as attached therein are being deposited on the below date with the United States Postal Service in an envelope as "Express Mail Post Office to Addressee" addressed to: Mail Stop Patent Application, Commissioner for Patents, U.S. Patent & Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450.

Express  
 Mail Label No. EV 249842112 US

Date of Deposit: October 7, 2003

Jody Richmond  
 (Type or print name of person mailing paper)  
Jody Richmond  
 (Signature of person mailing paper)

b. ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.

7. Preliminary Amendment:

- a. ☐ A Preliminary Amendment Under 37 C.F.R. § 1.115 is attached.
- b. ☐ Cancel in this application original claims \_\_\_\_\_ of the prior application before calculating the filing fee.
- c. ☐ Please amend the specification by inserting before the first line the following sentence:  
                   "This is a \_\_\_\_\_ continuation \_\_\_\_\_ divisional of copending  
                   application(s) serial number \_\_\_\_\_ / \_\_\_\_\_ filed on \_\_\_\_\_."
- d. ☐ A Petition to Suspend Prosecution For The Time Necessary to File An Amendment (New Application Filed Concurrently) is attached.

8. Small entity status:

- a. ☐ Applicant claims small entity status.
- b. ☐ Small entity status was claimed in the prior nonprovisional application and such status is still proper and desired.
- c. ☐ Is no longer desired.

9. Fee Calculation:

FOR	NUMBER FILED	NUMBER EXTRA	RATE	CALCULATIONS
TOTAL CLAIMS (37 C.F.R. § 1.16(c))	12 -20 =		x 18.00	
INDEPENDENT CLAIMS (37 C.F.R. § 1.16(b))	1 -3 =		x 84.00	
MULTIPLE DEPENDENT CLAIMS (if applicable) (37 C.F.R. § 1.16(d))			280.00	
BASIC FEE (37 C.F.R. § 1.16(a))				770.00
TOTAL OF ABOVE CALCULATIONS				
REDUCTION BY 50% FOR FILING BY SMALL ENTITY (NOTE 37 C.F.R. §§ 1.9, 1.27, 1.28)				
\$40.00 ASSIGNMENT RECORDAL FEE (if applicable)				
TOTAL				770.00

10. ☒ A check in the amount of \$ 770.00 is enclosed.
11. ☒ The Commissioner is hereby authorized to credit overpayments or charge the following fees (or any deficiency therein) to Deposit Account No. 02-3978 :
- a. ☒ Fees required under 37 C.F.R. § 1.16.
- b. ☒ Fees required under 37 C.F.R. § 1.17.

12. Maintenance of Copendency of Prior Application

☐ A request for extension of time and the appropriate fee have been filed in the pending prior application (or are being filed in the prior application concurrently herewith) to extend the period for response until \_\_\_\_\_.

13.   x   An Information Disclosure Statement (IDS) is attached, along with the following indicated attachments thereto:
- a.   x   Form PTO/SB/08 (   1   sheet(s))
- b.   x   Copies of references cited
14.   x   English Translation of the prior International Application PCT/EP02/05876.
15.        Nonpublication Request Under 37 C.F.R. § 1.213(a)
16.        Request for Early Publication Under 37 C.F.R. § 1.219
17.   X   Return Receipt Postcard
18.        Other: \_\_\_\_\_
19.   x   An Assignment of the invention to   Leopold Kostal GmbH & Co. KG    
having an address of   Wiesenstrasse 47, D-58507 Lüdenscheid, Germany
- a.        is attached.
- b.        was recorded on \_\_\_\_\_ at Reel \_\_\_\_\_, Frame \_\_\_\_\_.
- c.   x   Applicant requests that the above assignee information be published with the application.
20. The power of attorney in the prior application is to:
- \_\_\_\_\_ Name of Attorney of Record \_\_\_\_\_ Reg. No. \_\_\_\_\_
- The power appears in the original papers in the prior application.
- The power does not appear in the original papers, but was filed on \_\_\_\_\_.
- A new power has been executed and is attached.
21. Correspondence Address: Please address all future communications to:

CUSTOMER NO.

**22045**

Telephone: 248-358-4400; Fax: 248-358-3351

Date   October 7, 2003  

Respectfully submitted,

**Tobias Gerlach**

Name: James N. Kallis  
Registration No.: 41,102

       Attorney or agent of record  
  x   Filed under Rule 34(a)